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EXHIBITS

- **A** **One (1) CD containing a scanned copy of the homicide investigation book, autopsy photos and photos of involved employee Deputy Juan Rodriguez, file # 017-17068-2136-013.**
- **B** **Memorandum from the Los Angeles County District Attorney's Office Justice System Integrity Division to Captain Kent Wegener, dated August 20, 2019.**
- **C** **One (1) CD containing 911 calls**
- **D** **One (1) CD containing radio traffic audio files**
- **E** **One (1) CD containing video footage captured by news media**
- **F** **Four (4) reference photographs provided to witnesses**

MISCELLANEOUS DOCUMENTS

(9) Administrative Rights (Sworn & Non-Sworn) Forms

Consolidated Criminal History of Suspect Ricardo Cendejas

Executive Department State of California – Executive Order N-40-20

Deputy Juan Rodriguez POST training records

PM Shift In-Service, Compton Station, dated Thursday, November 2, 2017



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS

JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

SCOTT K. GOODWIN • Director

August 20, 2019

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Ricardo Cendejas
J.S.I.D. File #17-0512
L.A.S.D. File #017-17068-2136-013

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 2, 2017 fatal shooting of Ricardo Cendejas involving Los Angeles County Sheriff's Department (LASD) Deputy Juan Rodriguez. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Juan Rodriguez, #[redacted]

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MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Ricardo Cendejas
J.S.I.D. File #17-0512
L.A.S.D. File #017-17068-2136-013

DATE: August 20, 2019

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 2, 2017, fatal shooting of Ricardo Cendejas by Los Angeles County Sheriff's Department (LASD) Deputy Juan Rodriguez. It is our conclusion that there is insufficient evidence to prove beyond a reasonable doubt that Deputy Rodriguez did not act in lawful self-defense or defense of another at the time he fired his weapon.

The District Attorney's Command Center was notified of this shooting on November 2, 2017, at approximately 5:00 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant John Corina.

The following analysis is based on reports, recorded interviews, and photographs submitted to this office by the LASD Homicide Bureau, Detective Division. News footage from KABC, KCAL, KCBS, KTLA, KTTV, KNBC, and KMEX news sources was reviewed and considered.

STATEMENT OF FACTS

On Thursday, November 2, 2017 at 2:38 p.m., LASD dispatchers received a report of a man with a gun in the area of Oleander Avenue and Cressey Street, in the City of Compton. Several deputies were dispatched to that area and looked for the man, but none of the deputies found him. Deputies Edgar Cuevas and Samuel Aldama were two of the deputies who responded to the call. Although Cuevas and Aldama did not see anyone with a gun, they stayed in the area and conducted normal patrol activities for approximately 15 minutes before making a traffic stop at the corner of Aranbe Avenue and Lucien Street.

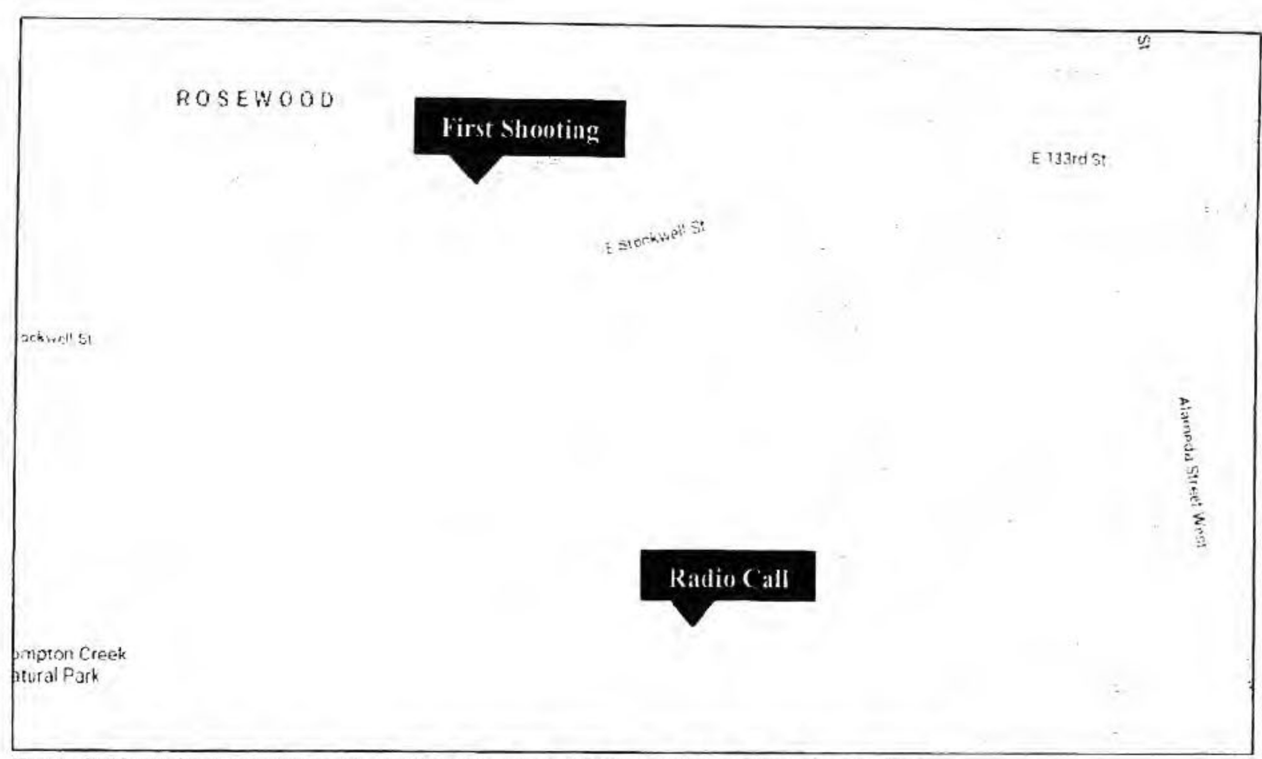


Figure 1: The radio call regarding man with a gun was a significant distance from the shooting.

During the traffic stop, the deputies placed the occupants of the stopped car into the rear seat of the patrol car. As Cuevas was escorting one of the occupants of the vehicle to the patrol car, he happened to notice Ricardo Cendejas, who was wearing shorts, no shirt, and had curly, shoulder-length hair. Cendejas was walking on Lucien Street before entering the driveway at

As Cuevas checked the registration status of the car, he heard and felt a gunshot go off in his immediate vicinity.[1] While he did not see who fired the shot, Cuevas immediately concluded that the shot had originated from . At 2:58 p.m., Cuevas broadcasted a call for help to the LASD dispatcher.

[1] Cuevas stated he saw the leaves from a tree, in front of flutter in the air and fall to the ground. Additionally, Cuevas explained that his ears started ringing and that he could actually feel the compression of the gunshot against his body. The bullet was never recovered, however, apparent bullet strikes to the tree were observed and photographed. See Figure 2.

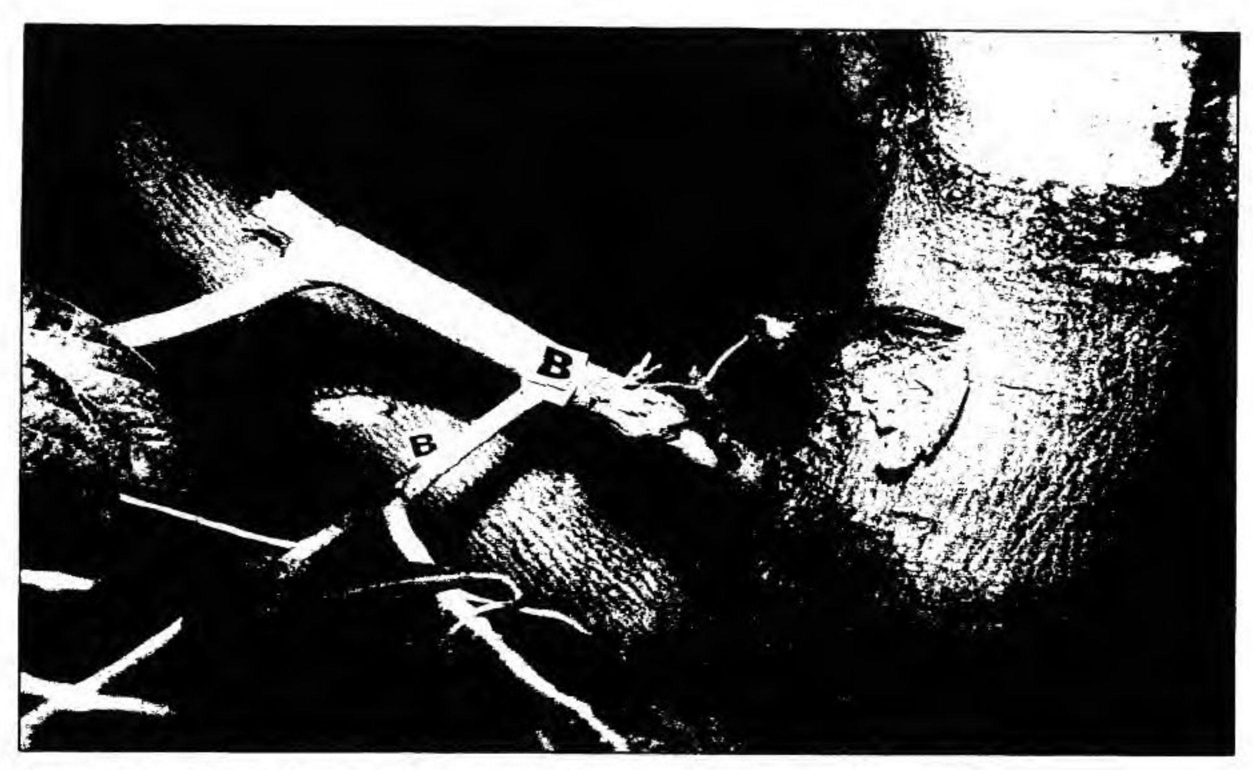


Figure 2: Bullet strikes to the tree in the front yard of 2104 East Lucien Street.

In response to the deputy's call for help, numerous LASD deputies from the Compton and Century LASD stations responded to the neighborhood and blocked off surrounding streets. A command post was established and the LASD Special Enforcement Bureau, Special Weapons and Tactics unit (SWAT) was requested to respond to the area. An LASD helicopter also responded and circled the area of the shooting. A Bearcat tactical armored vehicle responded from the City of Gardena. In addition to the LASD resources, several local television channels dispatched helicopters to the location.

One of the SWAT team members who responded to the scene was Deputy Juan Rodriguez. Rodriguez believes he arrived at the scene at approximately 3:45 p.m.

At 4:13 p.m., Cendejas emerged from his home at into the backyard of the home. This fact was immediately broadcasted by radio to the deputies at the scene by the LASD helicopter.[2] At 4:17 p.m., Cendejas jumped over the wall behind his home and entered the yard of Shauer Street while holding a black rifle in his hand. The observer in the LASD helicopter immediately broadcast this fact, and Cendejas' movements were also captured by the media helicopters.[3]

[2] LASD helicopters use a video system to broadcast real-time video from the airship to the SWAT Commander. That video feed is not recorded.

[3] LASD collected footage of the shooting which was broadcast by the media. As part of the investigation, JSID attempted to obtain footage of the shooting that was not broadcasted. Every media outlet contacted by JSID asserted their privilege from disclosing non-broadcasted footage.



Figure 3: Cendejas shot at deputies from his front yard and was later shot in the yard of the home to the rear of his house.

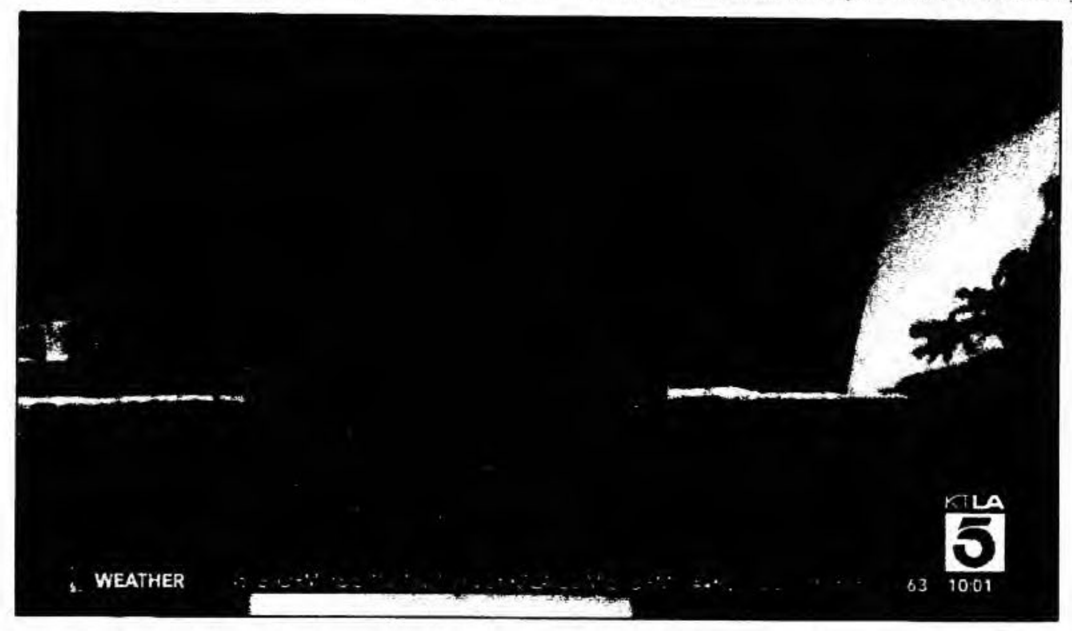


Figure 4: Cendejas, armed with a gun, jumped over the wall behind his house onto the property at ███ Shauer Street.

After jumping the wall, Cendejas walked to the side of the Shauer Street residence and stood in the narrow space between the house and the fence.

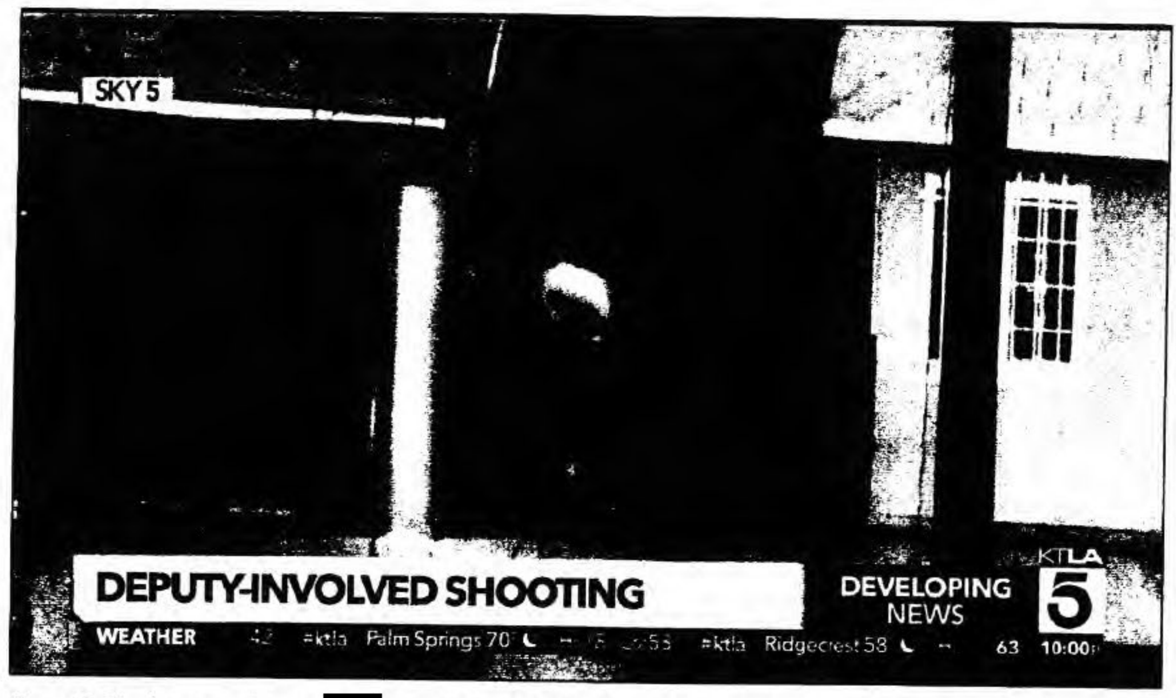


Figure 5: Cendejas stood next to [redacted] Shauer Street for approximately six minutes before he was shot by Rodriguez.

Cendejas stood at the side of the home and spoke to [redacted] who was inside her bedroom in [redacted] Shauer Street. Cendejas asked if he could come inside the house and [redacted] told him "no." Cendejas said, "Okay. Just don't call the cops."[4]

At 4:18 p.m., the spotter in the LASD helicopter broadcast his observation of Cendejas looking into the home. At 4:20 p.m., Cendejas crouched down next to the house and eventually set his gun on the ground.

At 4:21 p.m., the leader of the SWAT team on the ground radioed to the SWAT commander who was at the Command Post and was monitoring the situation via live video being broadcast from the LASD helicopter. The following conversation occurred:

Sgt. Eric Lee:	Hey, Team Leader to Team Commander, you back?
SWAT Cmdr.:	Go ahead, Eric.
Sgt. Eric Lee:	Hey, we're going to reposition this ARV and move it down toward Shauer, copy?
SWAT Cmdr.:	Hey, copy that. And it's the [redacted] house in from the corner and he's at the one-four corner crouched down.[5] He's got the rifle at his feet. Not in his hands right now. Copy? [6]

[4] [redacted] never saw a gun because she did not look at Cendejas. Also, she did not witness the subsequent shooting.

[5] When describing a particular part of any house, police designate numbers one-four to indicate different walls of the house. From the vantage point of facing the house, one means the front wall where the front door is. Two means the left wall. Three means the back wall. Four means the right wall. As such, one-four corner signifies the front-right corner of the house.

[6] After the SWAT Commander asked for deputies to acknowledge the suspect had placed the rifle at his feet, none of the deputies verbally acknowledged this information.

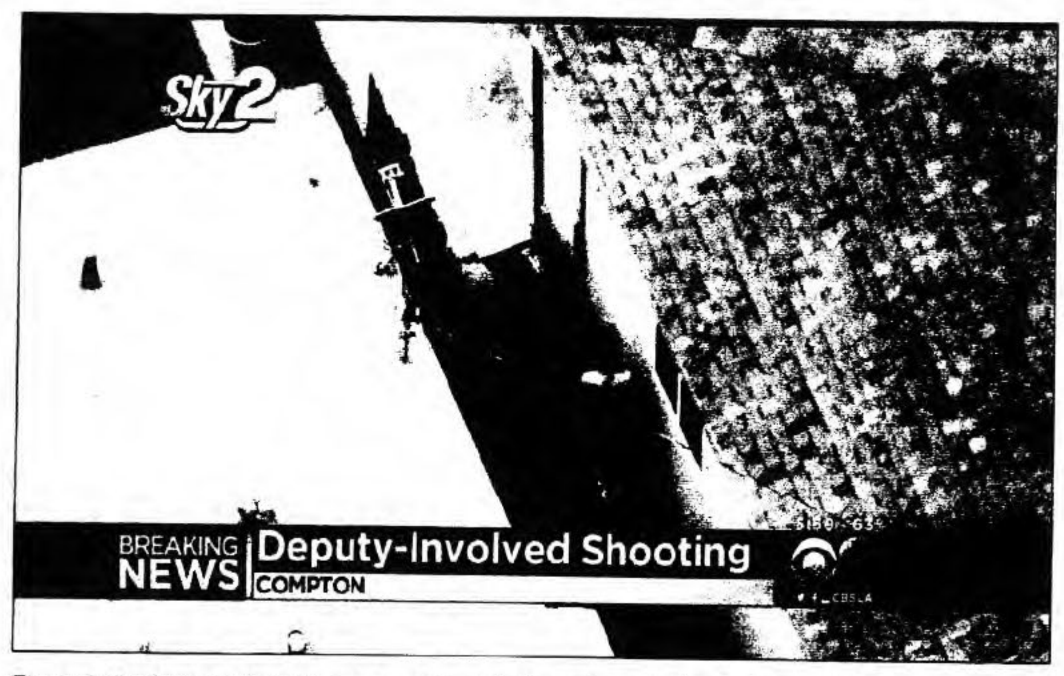


Figure 6: Cendejas put down his gun approximately three minutes before Rodriguez shot him.

After that conversation over the radio, the Gardena Police Department Bearcat was driven slowly down Shauer Street while Rodriguez and five other deputies walked on its passenger side.

Rodriguez was closest to the front of the Bearcat and was walking with his M4 rifle pointed at the area where Cendejas was known to be standing.

At 4:22 p.m., the LASD spotter broadcast that Cendejas appeared to be talking on his cell phone. At 4:23 p.m., the SWAT commander alerted the deputies that [redacted] Shauer Street had not been evacuated, that Cendejas was standing and walking toward the rear of the house and then toward the front of the house. Seconds later, Rodriguez came into a position where he could see Cendejas and immediately shot him three times with his rifle, striking him in the torso and head. At the moment he was shot, Cendejas was walking towards the front of the house, towards the rifle, and towards SWAT deputies. (See Figure 7.)

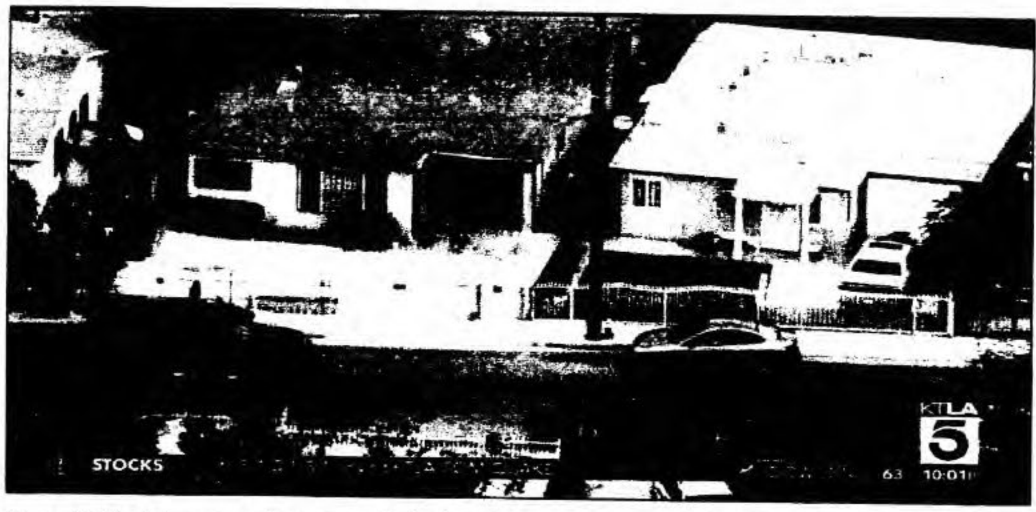


Figure 7: Cendejas was walking towards the front of the house, towards the rifle and towards SWAT deputies, when Rodriguez shot him.

Rodriguez was interviewed by LASD homicide detectives on November 2, 2017, several hours after the shooting. He explained he saw Cendejas with the rifle in his hand moving toward the front door of the residence at ████ Shauer Street and shot to protect the residents of that house.

Rodriguez: [I was looking over the hood of the armored vehicle.] As soon as we start getting closer towards the suspect, I see him now come into sight from that one-four corner of that house, and is now turning his body as if he's now trying to go towards that front door. That front door, on that house, I believe, was facing eastbound. So, it's facing his direction where he was turning toward.

O'Brien: So, if I understand the picture in my head is that he's coming from that corner, the southeast corner of the house, and he's walking in a west direction toward the front door?

Rodriguez: Correct.

O'Brien: Okay, which the front door kind of – it juts out a little bit and it actually faces east.

Rodriguez: Correct.

...

O'Brien: Did you see a weapon in the suspect's hand at that time?

Rodriguez: Yes. As he's turning that corner, he has it real low, he's almost, it's like he's slouching, so he's kind of like slouching down, and I can see it towards his right hand, in his right hand.

O'Brien: Okay. So, it's in his right hand, and you're kind of illustrating that you're leaning over toward your right, kind of slouching down, and he's holding that weapon in his right hand, closer to the ground.

Rodriguez: Correct.

O'Brien: Okay. Did it look like he was holding it by the grip, or was he holding it by the stock, or could you tell?

Rodriguez: It was hard to tell sir.

O'Brien: Okay. And, what type of weapon did that look like to you?

Rodriguez: Oh, it, AR-15. A smaller, compact AR-15. It almost looked like the AR-15 handgun platform that they sell.

O'Brien: Okay, so it was not a full long rifle, it was like a cut down version of an assault rifle?

Rodriguez: Correct, sir.

O'Brien: Okay. And what color was it?

Rodriguez: Black.

O'Brien: Black? Okay. Did you make any verbal contact with the suspect?

Rodriguez:	No.
O'Brien:	Okay. Did he look at you or in your direction at all?
Rodriguez:	He looked in our direction, yes.
O'Brien:	Okay. Did he look at you as he was walking toward the front door?
Rodriguez:	As he's turning the corner. Like, as he's, he's almost turning his body. As he's turning his body he looked in our direction.
O'Brien:	Turning his body as he's going toward the front door...
Rodriguez:	Correct.
O'Brien:	...or leaving the front door?
Rodriguez:	No, no, no, going towards. As if he's going towards the front door.

...

O'Brien:	What does he do next?
Rodriguez:	[I was roughly 35-40 yards from the suspect.] So, as he starts rounding the corner, and I see him with the assault rifle in hand, knowing that there's people inside that house, I know that there was a family that was put out. And then, based on all the events the whole perpetuancy [sic] of violence of him, during an unprovoked incident shooting at those deputies that were at the traffic stop, him given numerous orders by Aero to come out, and all that, I could not allow him to get close or to try to get into that house and get, or potentially get those hostages. So, as he did that, and seeing the gun in hand, the rifle in hand I should say, I fired three rounds at him.

Later in the interview, Rodriguez explained that he was acting in self-defense and defense of others:

O'Brien:	Let me ask you this real quick. At the time that you pulled the trigger, did you think your life was in immediate danger, or was it the concern of the family that was inside the residence?
Rodriguez:	I think, because we were behind an armored vehicle, I – not to say that he couldn't skip rounds and hit underneath the armored vehicle, so yes – but I think the majority of the concern was – due to all the perpetuancy [sic] of violence and everything that he had done – my concern, knowing that that factual, that there definitely was a family that was in there, that was unrelated to him, that was my biggest concern, was him entering into that house and taking those people hostage.

On December 7, 2017, Sergeants O'Brien and Recchia re-interviewed Rodriguez. They showed him video taken by the local news media and asked him if he wanted to revise his statement in any way. He restated his reasons for shooting, and declined to alter his statement.

Rodriguez: I stand by my statements that I made the first time with you guys. And – after reviewing the video – it – the only thing it shows to me is a different angle of what I saw. To me that suspect is still armed, that rifle is still next to him. And like I said the first time, the whole totality of the circumstances – you know the guy shooting at the patrol vehicles, the officers, family running out saying he had just been released from jail, high on methamphetamine, that he's been on a binge for a couple of days, high on meth, telling us exactly where the suspect was at, and then Aero putting out all that information of him in the yard, with the rifle, hopping over the fence, going towards the neighbors, with the rifle, he's still armed. And then Aero putting out that he's making his way toward the front door as if he's trying to get into the house. I know for a fact that that whole street hadn't been evacuated, we didn't have any SEB personnel on that side of the street, and then him – Aero also putting out the fact that he was – it looked like he was trying to get into that window on the side of the house. It appeared he was talking to someone in there. Aero also put out that there was a family inside that had came out and went back inside that house. Based on the fact that everything that had happened prior to that and the fact that that street hadn't been evac'd, that there were still other residents inside their homes and that location, I couldn't allow that suspect to begin shooting toward our direction and possibly hit any residents inside or across the street or make any further attempt to break into that house.

O'Brien: Prior to your contact with that suspect, did you hear any announcements being made either by the patrol deputies on the street or the airship?

Rodriguez: Yes sir. Announcements were made by us on the target location on that target street, I think it was Lucien was the street. On – from the armored vehicle, the ARV, that we had outside, we made numerous PA announcements, and we also had Aero put out numerous PA announcements from airship from up above.

O'Brien: And, he never complied, never came out and surrendered?

Rodriguez: No sir. He never did.

Recchia: You were given the ability to view the video. And, just based on your statement, is there anything else that you need to clarify or tell us about what you saw that's – maybe expand better from watching that video that you can clarify on?

Rodriguez: Yes sir. It looks like, as he was approaching, he might have seen our armored vehicle, as we were coming through that corner. And now, looking at that video, it looks to me as he was walking he was still in that vicinity, in that area where the rifle was at next to that meter, and to me it appeared as if he was walking towards that meter and getting ready to pick up that rifle and start shooting at us. And again, he was only, not even two feet, a foot away from where that rifle was at in the meter [sic].

Recchia: Right. And from your vantage point that day, not off the video but that day, could you see the weapon?

Rodriguez: Correct. I can. I was able to see that weapon, that rifle.

Recchia: And I think in your initial statement, you said it was down, toward his right-hand side if I'm not mistaken. Is that correct?

Rodriguez: Correct sir. I did say in my initial statement that it looked like it was right by that right-hand side – almost as if he was – right by the right side of his body.

Recchia: Okay. Which would be consistent with the video we saw, it's right down by his right leg area.

Rodriguez: Correct sir.

O'Brien: And looking at the angles of the video, we're kind of up above it, and that angle that you had is kind of off to the west, more like a 45-degree angle. Is that correct?

Rodriguez: Correct sir. From that video, I'm towards the east, which is the front portion of that armored vehicle and I was the front man in that stack, so I was the one who caught eyes on that suspect prior to anyone on that armored vehicle or any of my teammates that were stacked behind me.

O'Brien: And, just to clarify, as you being the front man in that stack, is it your job to cover and protect the team?

Rodriguez: Yes sir. It was my job. I was designated lethal for this incident. So, it was my job, not only to cover and protect my team, but all the other residents who were across the street and everybody else who was there.

...

Recchia: Okay. So, where I've stopped it here at 1:34, that would be an accurate placement of where you were compared to the suspect and your angle [when you shot].

Rodriguez: Yes sir.

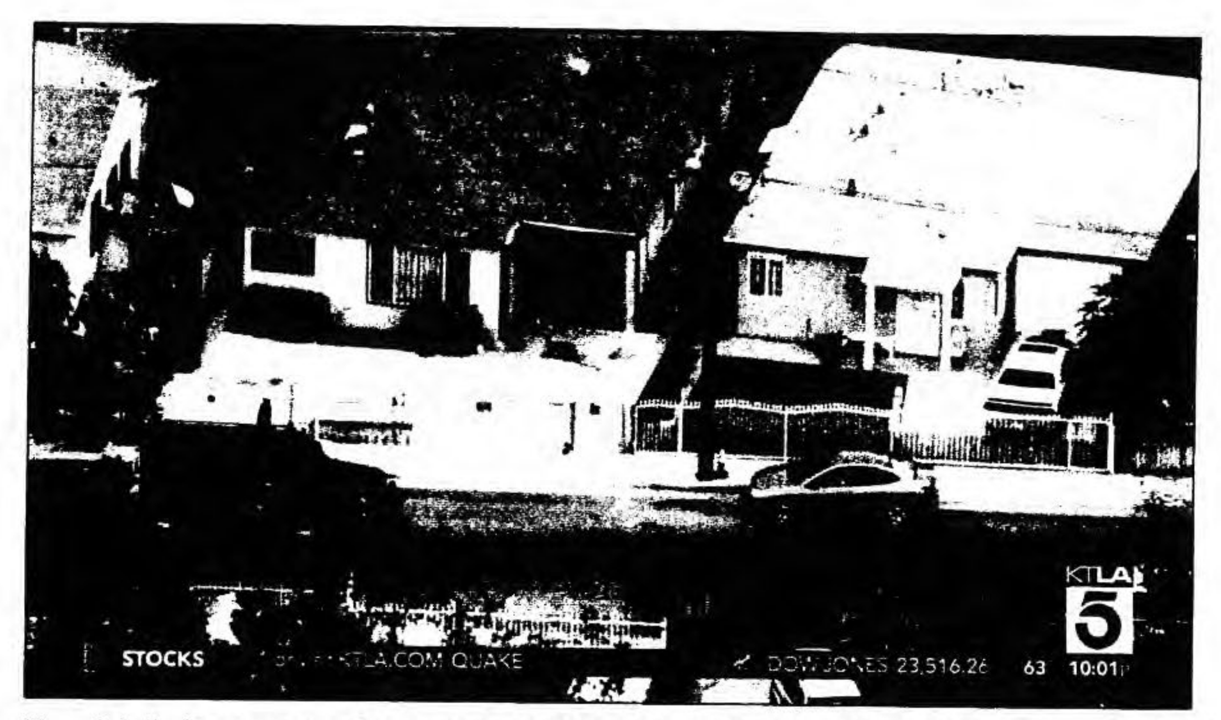


Figure 8: Still taken at one minute 34 seconds into the video shown to Rodriguez. Cendejas bent forward at the waist after the first shot.

Besides the passengers in the news helicopters, the only eyewitnesses to the shooting were SEB members. Sergeant Eric Lee was in charge of the SWAT team of which Rodriguez was a member. Lee said he was looking over the hood of the ARV with Rodriguez immediately to his right. He saw Cendejas' left side (his right side was concealed by the house) and Rodriguez fired three shots. Lee never saw Cendejas with a weapon and never saw Cendejas' right side.

Deputy Darell Edwards explained that he was to the right of Lee as they approached Cendejas. Edwards was also to the right of Rodriguez. Edwards described Cendejas rounding the corner of the house when he heard Rodriguez fire three shots. Edwards said he saw Cendejas holding the rifle with the barrel facing down and the stock and grip of the rifle up when Rodriguez shot.

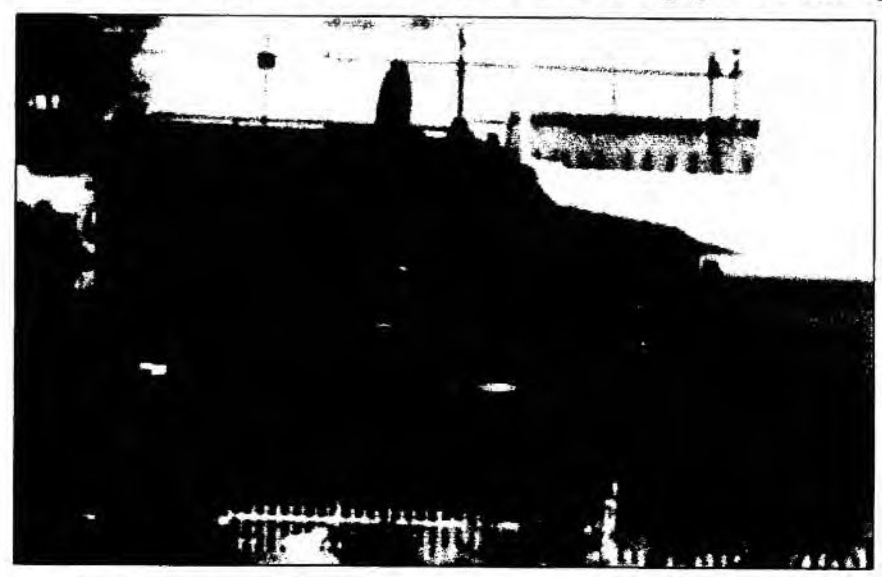


Figure 9: Edwards was apparently behind and to the right of Rodriguez when Rodriguez fired.

Edwards explained his radio stopped working during the operation and he got information second hand from other deputies.

Deputy William Robert was directing the Bearcat driver and told the driver to stop as soon as they could possibly see Cendejas. Robert never saw Cendejas before he was shot.

Deputy Lawrence Swanson was behind the Bearcat and never saw Cendejas before he was shot.

Deputy James Amann is a canine handler for the LASD. He approached Cendejas with other SWAT team members and was fully behind the Bearcat. He never saw Cendejas or the residence.

Sergeant John Cook is a canine handler for the LASD. He saw Cendejas peek around the corner of the house before the Bearcat arrived on Shauer. He was one of the deputies who approached the house behind the Bearcat. As they approached the house, Cook said he saw Cendejas' head and upper body, but did not see a gun. No clarifying questions were asked about what Cook saw at the time of the shooting.

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others if that person actually and reasonably believes that he or others are in imminent danger of great bodily injury or death. Penal Code § 197; CALCRIM No. 505; *See also* People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Humphrey (1996) 13 Cal.4th 1073, 1082.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." People v. Collins (1961) 189 Cal.App.2d 575, 589. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight…The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and (3) he used no more force than was reasonably necessary to defend against that danger. Someone who has been threatened or harmed by a person in the past, is justified in acting more quickly or taking greater self-defense measures against that person. CALCRIM No. 505. The People have the burden of proving beyond a

reasonable doubt that a person did not act in lawful self-defense or defense of another. If the People fail to meet this burden, a jury must find the defendant not guilty. CALCRIM No. 3470.

Before a jury can rely on circumstantial evidence to find a person guilty, the jury must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the accused person is guilty. "If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence." CALCRIM No. 224.

In this case, the facts surrounding the death of Cendejas are uncontested. Cendejas had shot in the direction of LASD deputies on a traffic stop, he retreated to his home for one hour and 15 minutes and emerged from his home into his backyard at 4:13 p.m. At 4:17 p.m., Cendejas, holding a semiautomatic rifle, entered his neighbor's yard and stood to the side of the house. Cendejas spoke to his neighbor and asked to come inside her house. At 4:21 p.m., while still standing in the same area, Cendejas laid his rifle on the ground and stood by the side of the house with the rifle at his feet. Seeing him lay down the weapon, the SWAT team commander alerted the SWAT team members that the rifle was on the ground. None of the SWAT team members verbally acknowledged this information. At 4:23 p.m., Rodriguez and other SWAT team members approached Cendejas from behind an armored vehicle. Before and during their approach, SWAT team members and their airship gave numerous verbal commands over loudspeakers for Cendejas to surrender. Cendejas never complied. Cendejas then walked towards the gun and the front of the house and Rodriguez shot Cendejas three times, killing him. The question presented by these facts is whether it can be proven that Rodriguez's actions were unreasonable under the circumstances.

In this scenario there are two reasonable inferences that can be drawn from the circumstances of the shooting. On the one hand, the force used was arguably unreasonable because at the time Cendejas was shot, the gun was at his feet. Rodriguez was possibly aware of this fact since his SWAT commander notified his unit three minutes before that Cendejas placed the rifle on the floor. Since Cendejas did not have the gun in his hand, the deadly force was not reasonable because Cendejas posed no imminent threat at the time he was shot. He was shirtless, he was wearing sandals, and he had no other deadly weapons in his possession.

On the other hand, however, an argument can be made that the force was reasonable under the circumstances. Cendejas already used deadly force against the deputies earlier that day in a situation that was completely unprovoked. Throughout the next hour, Cendejas ignored the deputies' commands to surrender. Cendejas hopped over fences and walked into his neighbor's yard carrying a rifle. The area was not cleared of civilians and the SWAT team members were aware that the house adjacent to Cendejas was occupied. As SWAT approached, Cendejas walked towards the front of the house, towards the SWAT deputies and, most importantly, towards the rifle. When Cendejas was shot, he was less than two feet away from the rifle.

The fact that Cendejas shot at the deputies earlier in the day made it reasonable for the deputies to act more quickly and take greater self-defense measures than if Cendejas had not fired at them. The fact that Cendejas was not touching the gun at the moment Rodriguez fired his duty weapon is not dispositive. The circumstances show that Cendejas had shot at deputies earlier, and this fact made it reasonable for deputies to believe he would shoot again. The firearm was in close proximity to Cendejas should he chose to rearm himself. Furthermore, Cendejas refusal to

surrender and his actions of concealing himself, made the deputies' belief that Cendejas posed an ongoing deadly threat reasonable under the circumstances.

Since two reasonable inferences can be drawn from the circumstantial evidence in this case, one that points to guilt and one that points to innocence, a jury must adopt the reasonable interpretation that points to Rodriguez's innocence. Therefore, there is insufficient evidence to prove beyond a reasonable doubt that Rodriguez acted unlawfully.

Although Rodriguez incorrectly stated that the rifle was in Cendejas's right hand at the time Rodriguez fired his weapon, such a belief by Rodriguez was reasonable under the circumstances. Edwards also stated that he saw the rifle in Cendejas's right hand at the time Rodriguez shot him. At the time Edwards made this observation, he was standing behind and to the right of Rodriguez. Edwards' mistake provides corroboration that Rodriguez mistake was actual and reasonable.

CONCLUSION

We conclude that there is insufficient evidence to prove beyond a reasonable doubt that Rodriguez's decision to use deadly force was unreasonable under these tense, uncertain, and rapidly evolving circumstances. Although there may have been other reasonable options available to Rodriguez at the time, Rodriguez's determination that Cendejas posed a deadly and immediate threat based upon the totality of Cendejas' actions was also a reasonable interpretation of the circumstantial evidence available to him. We are closing our file and will take no further action in this matter.